

United States District Court Middle District of Tennessee

) Craig Cunningham
) Plaintiff, Pro-se
)

) v.
)

CIVIL ACTION NO.

) Addiction Intervention and John/Jane doe
) 1-10
) Defendants.

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IN CLERK'S OFFICE

MAR 18 2014
U.S. DISTRICT COURT
MID. DIST. TENN.

Plaintiff's Original Complaint and sworn account

1. The Plaintiff in this case is Craig Cunningham, a natural person and was resident of Dallas County at all times relevant to the complaint, and currently has a mailing address of 5543 Edmondson Pike, ste 248, Nashville, TN 37211
2. Upon information and belief, Addiction Intervention is a company located at 1 South Swinton Ave, Del Ray Beach, FL 33444. .
3. The Plaintiff is without information on the other defendants to serve them currently but should be able to obtain such information through discovery.

Jurisdiction

4. Jurisdiction of this court arises as the acts happened and the contract was breached in this county.
5. Venue in this District is proper in that the defendants transact business here, and the acts and transactions occurred here.

FACTUAL ALLEGATIONS

6. In 2013 and 2014, the Plaintiff received multiple automated phone calls with a pre-recorded message to the Plaintiff's cell phone which informed the Plaintiff to call if he has a loved one who is suffering from drug or alcohol addiction.
7. The Plaintiff is not suffering from drug or alcohol addiction and none of his family members are, either. The Plaintiff did not solicit anyone to call his cell phone for assistance with drug or alcohol treatment. The Plaintiff is unsure how the Defendants obtained his cell phone number as he never gave it to them and never gave express or implied consent for the defendants to call his cell phone using an automated telephone dialing system.
8. These phone calls violated the TCPA in two ways, first by having a pre-recorded message, and second by the automated nature of them. The Plaintiff received multiple phone calls day after day, and sometimes twice in the same day.

CAUSES OF ACTION:

COUNT I

Violations of the Telephone Consumer Protection Act (TCPA)

9. Plaintiff Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.
10. The foregoing actions by the Defendants constitute multiple breaches of the TCPA by placing unsolicited and unwelcome telephone calls to the Plaintiff's cell

phone. These phone calls also violated the TCPA by having an pre-recorded message.

PRAYER FOR DAMAGES AND RELIEFS

- A. WHEREFORE, Plaintiff, Cunningham, respectfully prays and requests that judgment be entered against Defendant Addiction Intervention now and John/Jane Doe's 1-10 for the following
- B. Statutory damages of \$3000 for each phone call.
- C. Pre-judgment interest from the date of the phone calls.
- D. Punitive damages for all claims in the amount of \$50,000
- E. Attorney's fees for bringing this action; and
- F. Costs of bringing this action; and
- G. For such other and further relief as the Court may deem just and proper

I, Craig Cunningham, Affiant, hereby attest to and certify that the facts contained in the foregoing complaint are true and correct to the best of my knowledge, information and belief and that a true and correct copy of the foregoing was sent to the defendants in this case.

Respectfully submitted,


Craig Cunningham

Plaintiff, Pro-se

Mailing address:

5543 Edmondson Pike, ste 248

Nashville, tn 37211

206-312-8648
March 17, 2014